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From: Paige Martin
Sent: Saturday, January 2, 2021 3:32 PM
To: Attorney Ethics Advisory Committee <aea@courts.az.gov>
Subject: Proposed EO-19-0010

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The dissent notes:

“Taken to its extreme conclusion, under the proposed EO a lawyer could not even respond to an online comment acknowledging that the person who posted it is or was a client because the very fact of representation is itself confidential and cannot be disclosed without client consent.”

It is my understanding that this statement encompasses the State Bar’s position now. For example, I know of attorneys who posted information about public decisions in the Arizona Court of Appeals and Arizona Supreme Court, who were told that they had to remove the case names from their websites because the mere fact that there is a public decision is insufficient. I understand those attorneys were told that the attorney must obtain informed consent from the client to post the case name and state which party it represented, or describe the case.

I think the State Bar has gone too far in its concern for confidentiality. I urge adoption of the dissent, especially in light of the comments submitted by Aaron Nash, Chair of Arizona Supreme Court Task Force on Countering Disinformation.

Sincerely,

Paige A. Martin
Paige A. Martin Law PLC

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